



WEST VALLEY PINES HOMEOWNERS ASSOCIATION INC.

105 East Bluegrass Drive
Kalispell, MT 59901



AUGUST 10, 2011

FLATHEAD COUNTY BOARD OF ADJUSTMENT
1035 1ST AVENUE WEST, KALISPELL, MT 59901

RE: ACUP #FACU-11-02, GROSSWEILER DAIRY, INC. DATED JULY 15, 2011

GENTLEMEN:

WE HEREWITH APPEAL TO THE BOARD OF ADJUSTMENT, REGARDING THE ISSUANCE OF
ACUP #FACU-11-02.

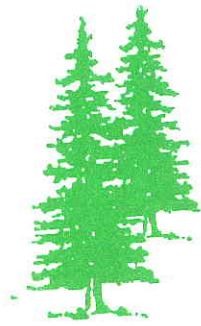
- #1 FIRST, THE ZONING DIRECTOR CHOSE TO USE "TEMPORARY STRUCTURES" 2.06.045 NOTE, AS A REASON TO PURSUE THE CUP APPLICATION FROM GROSSWEILLER DAIRY INC. DATED 6-27-11, FOR A MOTOCROSS RACE ON 7-17-11. ONLY THREE CONDITIONAL USES CAN RECEIVE AN ACUP, SO HE CHOSE THIS USE TO ALLOW HIM TO PROCEED. NEIGHBORHOOD IMPACT WAS NOT FULLY CONSIDERED, OTHER THAN THE EVENT WOULD BE ONLY ONE DAY, BUT MANY LETTERS FROM THE NEIGHBORHOOD WERE RECEIVED BY THE ZONING OFFICE
- #3 COMPLAINING ABOUT THE EVENT.

A MOTORCYCLE RACETRACK IS NOT DEFINED OR MENTIONED ANYWHERE IN THE ORDINANCE, AND IF IT'S A TEMPORARY USE, THE TRACK SHOULD BE REMOVED AND THE LAND RETURNED TO AGRICULTURAL USES FOLLOWING THE EVENT.

- #4 SECOND, NOTIFICATION WAS MAILED TO PROPERTY OWNERS WITHIN 150 FEET OF THE SUBJECT PROPERTY. THEY WERE ALL MAILED TO GROSSWEILLER DAIRY INC. THE INTENT OF NOTIFICATION IS TO DETERMINE IF OBJECTIONS ARE BEING MADE FROM NEIGHBORS, BUT THE ZONING ADMINISTRATOR CHOSE A STRICT READING OF THE ORDINANCE AND TO DENY THE LETTERS RECEIVED IN OBJECTION. WHEREAS, IN THE FIRST CASE, HE CHOSE A BROAD AND BARELY FITTING INTERPRETATION OF THE ORDINANCE.

ZONING IS MEANT TO PROTECT AND REGULATE LAND USES FOR THE GOOD OF THE PUBLIC. UNTIL THE ORDINANCE IS CHANGED TO REGULATE THIS TYPE OF USE, IT SHOULD NOT BE PERMITTED TO OCCUR. THE FOLLOWING ITEMS NEED TO BE ADDRESSED:

- MOTORCYCLE RACETRACKS SHOULD BE MADE A CONDITIONAL USE IN A ZONE SUCH AS I 2, HEAVY INDUSTRIAL OR AS DETERMINED BY PLANNING.
- NOTIFICATION SHOULD BE APPROPRIATE TO RECEIVE COMMENT FROM THE ENTIRE AREA AFFECTED.



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- PLANS SUBMITTED SHOULD BE WELL DRAWN AND ACCURATE TO DETERMINE THE ENTIRE SCOPE OF THE EVENT.
- ACCEPTABLE NOISE LEVELS SHOULD BE DEVELOPED.
- TEMPORARY EVENTS SHOULD BE DEFINED AND REGULATED.

WE THEREFORE APPEAL THE DECISION OF THE ZONING ADMINISTRATOR AND
ENCLOSE OUR APPEAL FEE OF \$350.00.

SINCERELY,

W V P H O A INC. BOARD OF DIRECTORS

PRESIDENT

JIM THOMPSON

SECRETARY

MARTI PALMER

TREASURER

JENNIFER ARTERBURY

RECEIVED

AUG 11 2011

FLATHEAD COUNTY
PLANNING & ZONING OFFICE